CLASSIFICATION OFFICE DECISION

Title of publication:	img 1140
Other known title(s):	Not stated
OFLC ref:	1300526.007
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	New Zealand
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	02 September 2013
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	02 September 2013

Summary of reasons for decision:

The image file printout is deemed to be objectionable because it tends to promote the exploitation of young persons for sexual purposes.

The image is an amateur photograph that shows, in very close focus, the buttocks, anus and genitals of a girl in her mid-teens. The photograph records the sexual exploitation of the girl by a man who photographed her in circumstances where she was apparently rendered unable to prevent his sexual behaviour or his photographing the incident.

If the image was to be shared, along with details of the incident and the girl's identity, this dissemination would amount to further exploitation of the girl. Such an outcome would also tend to create or reinforce a sexual interest in girls in their mid-teens by suggesting that they are available for sexual use. The effect is to encourage the sexual exploitation of young and vulnerable members of society.

The classification of this publication interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with

Parliament's intention and is a reasonable limitation on the freedom of expression. The classification reflects the concern of a free and democratic society to limit the availability of publications that tend to promote the exploitation of young persons for sexual purposes.